

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 19-30651

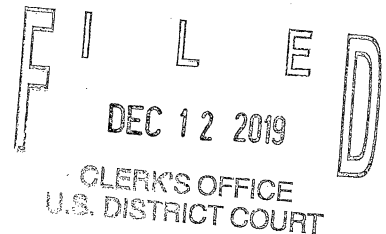
Plaintiff

Original District No. 17CR177

v.

JERELL LEVEINE WHITMAN-CRUTCHER, II,

Defendant.



**GOVERNMENT'S PETITION FOR TRANSFER
OF DEFENDANT TO ANOTHER DISTRICT AND SUPPORTING BRIEF**

Pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant, to answer to supervised release violation allegations pending in another federal district, and states:

1. On **December 12, 2019**, defendant was arrested in the Eastern District of Michigan in connection with a federal arrest warrant issued in the **District of New Mexico based on a Petition.** Defendant is charged in that district with a violation of **Supervised Release.**

2. Rule 32.1 requires this Court to determine whether defendant is the person named in the arrest warrant and is entitled to a preliminary hearing as described in Rule 32.1(b)(1).

WHEREFORE, the government requests this Court to conduct transfer proceedings in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure.

Respectfully submitted

MATTHEW SCHNEIDER
United States Attorney

A handwritten signature in black ink, appearing to read 'B. Helms', is written over the printed name of Brandon Helms.

BRANDON HELMS
Assistant U.S. Attorney
211 W. Fort Street, Ste. 2001
Detroit, MI 48226

Dated: December 12, 2019

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America)
v.) Case No. 19-30651
JERELL WHITMAN-CRUTCHER II)
)

**APPOINTMENT OF THE FEDERAL COMMUNITY DEFENDER
OF THE EASTERN DISTRICT OF MICHIGAN**

<input type="checkbox"/> MULTIPLE DEFENDANT CASE	<input checked="" type="checkbox"/> DEFENDANT IN CUSTODY
<input type="checkbox"/> NON-ENGLISH SPEAKING	LANGUAGE: _____
APPOINTMENT INFO: <u>Other (please explain)</u>	
OTHER: <u>REMOVAL PETITION</u>	

The defendant has qualified for the appointment of counsel under the Criminal Justice Act.

IT IS ORDERED that the Federal Community Defender of the Eastern District of Michigan, 613 Abbott Street, 5th floor, Detroit, Michigan 48226, telephone (313) 967-5555, is appointed to represent this defendant in this case, unless the appointment is terminated by (1) Order of the Court, (2) appointment of substitute counsel, or (3) appearance of retained counsel.

IT IS FURTHER ORDERED that should this case require the assignment of an attorney from the CJA panel, the Federal Community Defender of the Eastern District of Michigan is authorized to issue such appointment using the electronic system to create the appropriate CJA appointment form. CJA Counsel will represent the defendant in this case unless the appointment is terminated by (1) Order of the Court, (2) appointment of substitute counsel, or (3) appearance of retained counsel.

NEXT COURT DATE: _____

Date: December 12, 2019

s/R. Steven Whalen
Judicial Officer's Signature

R. Steven Whalen, U.S. Magistrate Judge
Printed name and title

AUSA Assigned: BRANDON HELMS

ORDER REQUIRING DEFENDANT TO MAKE PARTIAL PAYMENTS

IT IS ORDERED that partial payment be made by the defendant in the amount of \$_____ monthly, commencing on _____, until this case is terminated or otherwise ordered by the Court. Payment shall be made to the **Clerk of the Court, Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.**

Judicial Officer's Signature

I hereby acknowledge that I am responsible for the partial payments and payment plan ordered by the Court.

Defendant's Signature

UNITED STATES DISTRICT COURT

for the
Eastern District of Michigan

United States of America

v.

Jerell Whitman-Crutchner

)
)
)
)
)
)
)

Case No. 19-30651-1

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at *(if blank, to be notified)* :Theodore Levin U.S. Courthouse, Room 805, 231 West Lafayette Boulevard, Detroit, MI 48226*Place*on TBD*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of _____
(See separate Agreement to Assume Custody of the Defendant).
- ☒ (7) The defendant must:
- ☒ (a) report, as directed, to:
 - ☐ Pretrial Services.
 - ☒ Probation Department.
 - ☐ (b) continue or actively seek employment.
 - ☐ (c) continue or start an education program.
 - ☐ (d) agree not to apply for or enter into any loan or other credit transaction without the previous written permission of the pretrial services office or supervising officer.
 - ☐ (e) surrender any passport to: _____
 - ☐ (f) not obtain a passport or other international travel documents.
 - ☒ (g) abide by the following restrictions on personal association, place of abode, or travel:
 - ☐ Travel restricted to the Eastern District of Michigan;
 - ☐ Travel restricted to the State of Michigan;
 - ☒ Travel restricted to: EDM and state of New Mexico and Missouri (Court only)
unless I have the previous consent of the pretrial services office, supervising officer or the court.
 - ☐ (h) avoid all contact, directly or indirectly, with any person who is or may become a victim or witness in the investigation or prosecution, including but not limited to:
 - ☐ List to be provided by U.S. Attorney;
 - ☐ Other persons: _____
 - ☐ (i) get medical or psychiatric treatment.
 - ☐ (j) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s):

 - ☐ (k) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
 - ☐ (l) not possess a firearm, destructive device, or other dangerous weapons.

 - ☐ (m) not use alcohol:
 - ☐ at all.
 - ☐ excessively.

- ☐ (n) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ (o) submit to any testing required by the pretrial services office or supervising officer to determine whether the defendant is using a prohibited substance. Testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct or attempt to obstruct or tamper with the efficiency and accuracy of any prohibited substance screening or testing. _____
- ☐ (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ☐ (q) participate in one of the following location restriction programs and comply with requirements as directed: _____
- ☐ (i) **Curfew.** You are restricted to your residence every day:
☐ from _____ to _____, or
☐ as directed by the pretrial services office or supervising officer; or
- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or
- ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- ☐ (r) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ☐ You must pay all or part of the cost of the programs based upon your ability to pay as the pretrial services office or supervising officer determines:
- ☐ (i) Location monitoring technology as directed by the pretrial services office or supervising officer;
- ☐ (ii) Radio Frequency (RF) monitoring;
- ☐ (iii) Passive Global Positioning Satellite (GPS) monitoring;
- ☐ (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
- ☐ (v) Voice Recognition monitoring.
- ☐ (s) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning or traffic stops.
- ☒ (t) The supervised releasee shall comply with all standard and special conditions previously imposed on this case (District of New Mexico).
- Report in person to Probation Department in District of New Mexico by onAM -
12/20/2019
- Appear in District of New Mexico for Violation Hearing

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

_____
*Defendant's Signature*_____
DETROIT, MICHIGAN_____
*City and State***Directions to the United States Marshal**

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: December 13, 2019s/R. Steven Whalen_____
*Judicial Officer's Signature*R. Steven Whalen, U.S. Magistrate Judge_____
Printed name and title

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America)

v.)

Case No. 19-30651)

JERELL WHITMAN-CRUTCHER II)

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, JERELL WHITMAN-CRUTCHER II (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ☒ to appear for court proceedings;
☒ if convicted, to surrender to serve a sentence that the court may impose; or
☐ to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- ☐ (1) This is a personal recognizance bond.
☒ (2) This is an unsecured bond of \$ 10,000.00.
☐ (3) This is a secured bond of \$ _____, secured by:
☐ \$ _____ in cash deposited with the court.
☐ (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ☐ (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: December 13, 2019



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

DAVID J. WEAVER, CLERK OF COURT

Date: December 13, 2019

s/Carolyn Ciesla

Signature of Clerk or Deputy Clerk

Approved.

Date: December 13, 2019

s/R. Steven Whalen

Judge's signature

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 19-30651

Plaintiff,

Original District No.

v.

JERELL WHITMAN-CRUTCHER, II,

Defendant.

F I L E D
DEC 13 2019
CLERK'S OFFICE
U.S. DISTRICT COURT

**ORDER TRANSFERRING DEFENDANT TO ANSWER
TO CHARGES PENDING IN ANOTHER DISTRICT**

This matter coming before the Court on the Government's Petition for Removal, for the reasons stated on the record and pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, it is hereby ordered that defendant **JERELL WHITMAN-CRUTCHER, II be transferred to the District of New Mexico for further proceedings in the case of United States v. Jerell Whitman-Crutcher, II.**

Defendant, who has been ordered released pursuant to the Bail Reform Act of 1984 (18 U.S.C. Section 3141 et seq.), shall appear at the following location at the following time: **United States District Court for the District of New Mexico located at 333 Lomas Blvd, NW, Albuquerque, NM 87102 on a date to be set by the court and or the United States Probation Department.**

If defendant fails to appear as directed, he will be subject to arrest, revocation of release, and detention, and he could be prosecuted and imprisoned for the crimes of bond jumping or contempt of court. See 18 U.S.C. Sections 3146, 3148.



HONORABLE R. STEVEN WHALEN
United State District/Magistrate Judge

Dated:

DEC 13 2019

CLOSED

**U.S. District Court
Eastern District of Michigan (Detroit)
CRIMINAL DOCKET FOR CASE #: 2:19-mj-30651-DUTY All Defendants**

Case title: United States of America v. Whitman-Crutcher
Other court case number: 17-cr-177 District of New Mexico

Date Filed: 12/12/2019
Date Terminated: 12/13/2019

Assigned to: Magistrate Judge Unassigned

Defendant (1)

Jerell Leveine Whitman-Crutcher, II
TERMINATED: 12/13/2019

represented by **Federal Community Defender**
Federal Community Defender
613 Abbott
5th Floor
Detroit, MI 48226
313-967-5555
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Nancy L. McGunn
Federal Defender Office
613 Abbott
5th Floor
Detroit, MI 48226
313-967-5846
Email: Nancy_McGunn@fd.org
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Highest Offense Level (Opening)

None

Terminated Counts

None

Highest Offense Level (Terminated)

Disposition

Disposition

None

Complaints**Disposition**

Rule 5(c)(3) District of New Mexico

Plaintiff**United States of America**represented by **Brandon C. Helms**

U.S. Department of Justice

211 W. Fort Street

Suite 2001


Detroit, MI 48226


313-226-9639

Fax: 313-226-3271

Email: brandon.helms@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: U.S. Attorney*

Date Filed	#	Docket Text
12/12/2019	<u>1</u>	PETITION for Transfer under Rule 5(c)(3) by United States of America as to Jerell Leveine Whitman-Crutchter, II (1). (KBro) (Entered: 12/12/2019)
12/12/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Initial Appearance in Rule 5(c)(3) Proceedings as to Jerell Leveine Whitman-Crutchter, II held on 12/12/2019. Detention Hearing set for 12/13/2019 01:00 PM and Removal Hearing set for 12/13/2019 01:00 PM . Disposition: Defendant temporarily detained. (Court Reporter: Digitally Recorded) (Defendant Attorney: Rhonda Brazile) (AUSA: Brandon Helms) (LHos) (Entered: 12/12/2019)
12/12/2019	<u>2</u>	 Public Audio File of Initial Appearance in Rule 5(c)(3) Proceedings as to Jerell Leveine Whitman-Crutchter, II held on 12/12/2019 before Magistrate Judge R. Steven Whalen. AUDIO FILE SIZE (1.3 MB) (KBro) (Entered: 12/12/2019)
12/12/2019	<u>3</u>	ORDER APPOINTING FEDERAL COMMUNITY DEFENDER as to Jerell Leveine Whitman-Crutchter, II. Signed by Magistrate Judge R. Steven Whalen. (KBro) (Entered: 12/12/2019)
12/12/2019	<u>4</u>	ORDER SCHEDULING A DETENTION HEARING AND FOR TEMPORARY DETENTION as to Jerell Leveine Whitman-Crutchter, II Signed by Magistrate Judge R. Steven Whalen. (KBro) (Entered: 12/13/2019)
12/13/2019	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Nancy L. McGunn appearing for Jerell Leveine Whitman-Crutchter, II (McGunn, Nancy) (Entered: 12/13/2019)
12/13/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Detention Hearing as to Jerell Leveine Whitman-Crutchter, II held on 12/13/2019 - Disposition: Defendant released on bond/Third Party Custodian Ordered. (Court Reporter: Digitally Recorded) (Defendant Attorney: Nancy McGunn) (AUSA: Brandon Helms) (CCie) (Entered: 12/13/2019)

12/13/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Removal Hearing as to Jerell Leveine Whitman-Crutcher, II held on 12/13/2019 - Disposition: Defendant Ordered Removed to the District of New Mexico. (Court Reporter: Digitally Recorded) (Defendant Attorney: Nancy McGunn) (AUSA: Brandon Helms) (CCie) (Entered: 12/13/2019)
12/13/2019	6	 Public Audio File of Detention Hearing and proceeding as to Jerell Leveine Whitman-Crutcher, II held on 12/13/2019 before Magistrate Judge R. Steven Whalen. AUDIO FILE SIZE (14.1 MB) (KBro) (Entered: 12/16/2019)
12/13/2019	7	ORDER Setting Conditions of Release as to Jerell Leveine Whitman-Crutcher, II. Signed by Magistrate Judge R. Steven Whalen. (KBro) (Entered: 12/16/2019)
12/13/2019	8	BOND as to Jerell Leveine Whitman-Crutcher, II in the amount of \$10000 unsecured entered. (KBro) (Entered: 12/16/2019)
12/13/2019	9	ORDER TRANSFERRING DEFENDANT to Answer Charges Pending in the District of New Mexico as to Jerell Leveine Whitman-Crutcher, II. Signed by Magistrate Judge R. Steven Whalen. (KBro) (Entered: 12/16/2019)
12/17/2019		TEXT-ONLY NOTICE to District of New Mexico of Transfer as to Jerell Leveine Whitman-Crutcher, II. Your case number is: 17-cr-177. Using your PACER account, you may retrieve the docket sheet and any unrestricted documents and text-only entries. Please note the following documents: 2 Audio File Upload, 7 Order Setting Conditions of Release, Removal Hearing, 6 Audio File Upload, Detention Hearing, Initial Appearance - Rule 5(c)(3), 9 Transferring Defendant to Answer Charges, 3 Order Appointing Federal Community Defender, 1 Rule 5(c)(3) Petition for Transfer Proceedings, 8 Bond (If you require sealed documents or certified copies, please send a request to InterDistrictTransfer_mied@mied.uscourts.gov. If you require a defendant's payment history, please send a request to financial@mied.uscourts.gov.) (LHos) (Entered: 12/17/2019)

PACER Service Center			
Transaction Receipt			
12/17/2019 16:38:08			
PACER Login:	ud0979:3621277:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:19-mj-30651-DUTY
Billable Pages:	2	Cost:	0.20